

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PLAINTIFFS #1-21, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

COUNTY OF SUFFOLK; SUFFOLK COUNTY  
POLICE DEPARTMENT; EDWARD WEBBER,  
individually and in his official capacity; MILAGROS  
SOTO, individually and in her official capacity; SCOTT  
GREENE, individually and in his official capacity;  
SUPERVISORY JOHN DOE COUNTY  
DEFENDANTS, individually and in their official  
capacities; and JOHN DOE COUNTY DEFENDANTS,  
individually and in their official capacities,

Defendants.

Case No.: 2:15-cv-02431-WFK-LB

**PLAINTIFFS' NOTICE OF MOTION FOR JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, Plaintiffs will move before The Honorable William F. Kuntz, II, United States District Judge for the Eastern District of New York, for an Order dismissing Defendant Scott Greene's counterclaim against Plaintiffs pursuant to Federal Rule of Civil Procedure 12(c).

Plaintiffs request oral argument on this motion as counsel's familiarity with the record and the legal authorities supporting these claims may aid the Court in its decision-making process.

Dated: May 11, 2022  
New York, New York

By:

/s/ Jose Perez

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GREENE, individually and in his official capacity;  
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DEFENDANTS, individually and in their official  
capacities; and JOHN DOE COUNTY DEFENDANTS,  
individually and in their official capacities,

Defendants.

Case No.: 2:15-cv-02431-WFK-LB

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR  
JUDGMENT ON THE PLEADINGS**

The Court, having considered Plaintiffs' Motion for Judgment on the Pleadings, the parties' briefing, and oral argument, if any, finds that Plaintiffs have satisfied the requirements for judgment on the pleadings under Fed. R. Civ. P. 12(c).

In light of the above, it is ORDERED that:

- (1) The Motion is GRANTED as set forth therein; and
- (2) Defendant Scott Greene's counterclaims are hereby dismissed with prejudice.

**SO ORDERED.**

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HON. WILLIAM F. KUNTZ, II  
United States District Judge

Dated: \_\_\_\_\_, 2022  
Brooklyn, New York

## **CERTIFICATE OF SERVICE**

I certify that on May 11, 2022, copies of Plaintiffs' Notice of Motion for Judgment on the Pleadings, Memorandum of Law in Support of Plaintiffs' Motion for Judgment on the Pleadings, and original Proposed Order were served by electronic mail to:

Brian C. Mitchell, Esq.  
Dana L. Kobos, Esq.  
SUFFOLK COUNTY ATTORNEY'S OFFICE  
H. Lee Dennison Bldg.  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, NY 11788  
Brian.Mitchell@suffolkcountyny.gov  
Dana.Kobos@suffolkcountyny.gov

*Counsel for the County Defendants*

I further certify that on May 11, 2022, copies of Plaintiffs' Notice of Motion for Judgment on the Pleadings, Memorandum of Law in Support of Plaintiffs' Motion for Judgment on the Pleadings, and original Proposed Order were served by electronic mail and by Federal Express to:

Scott Greene  
41 Westwood Drive  
Shirley, NY 11967  
scottagreene1217@icloud.com

*Pro Se Defendant*

I further certify that on June 1, 2022, counsel for Plaintiffs electronically filed true and correct copies of the below-listed documents with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record:

1. Plaintiffs' Notice of Motion for Judgment on the Pleadings, Memorandum of Law in Support of Plaintiffs' Motion for Judgment on the Pleadings, and corrected Proposed Order; and

2. Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Judgment on the Pleadings.

I further certify that on June 1, 2022, copies of the corrected Proposed Order and Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Judgment were served by electronic mail to Counsel for the County Defendants at their aforementioned email addresses.

I further certify that on June 1, 2022, copies of the corrected Proposed Order and Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Judgment were served by electronic mail and by Federal Express to Defendant Scott Greene at his aforementioned email address and mailing address.

/s/ Katherine Kelly Fell  
Katherine Kelly Fell